

REMARKS

In the June 24, 2009 Office Action, claim 32 was objected to due to an improper dependency. Also, claims 27-52 were rejected in view of the prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the June 24, 2009 Office Action, Applicant has amended claim 32 to correct its dependency as indicated above. None of the claims are being amended by the current Amendment in response to the prior art rejections. Thus, claims 27-29, 31-42, and 44-52 are pending, with claims 27 and 40 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Interview Summary

On July 30, 2009 and August 7, 2009, the undersigned conducted a telephone interview with Examiner Gregory Clark, who is in charge of the above-identified patent application. Applicant wishes to thank Examiner Gregory Clark for the opportunity to discuss the above-identified patent application during the Interview of Gregory Clark.

Claim Objection

In numbered item 1 of the Office Action, claim 32 was objected to as being an improper dependent claim. In response, Applicant has amended claim 32 to depend it from independent claim 27.

Applicant believes that claim 32 is now a proper dependent claim. Withdrawal of the objection is respectfully requested.

Rejections - 35 U.S.C. § 103

In numbered item 3 of the Office Action, claims 27-29, 31-33, 38, 39, 40-42, 44-46, (apparently 51 since claim 51 recites similar limitation as claim 38), and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamiya (JP 08-269367) in view of Mizutani (U.S. Patent No. 6,013,724). In numbered item 10 of the Office Action, claims 34-37 and 47-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamiya in view of Mizutani and further in view of Lever (U.S. Patent No. 5,079,087). In response, Applicant respectfully traverses the rejections.

Applicant respectfully asserts that the Mizutani patent is cited in the Office Action to show the use of a solvent and fails to disclose or to suggest the use of a rolling oil as recited in the claims, Applicant relies on the Kamiya publication to the traversal.

Further, Applicant respectfully asserts that Kamiya does **not** disclose or suggest ***a rolling oil that is used and remains on the plate substrate and forming a coating film on the plate substrate on which a rolling oil is used and remains on the plate substrate*** as recited in independent claims 27 and 40, respectively.

As mentioned under the background of the invention of the specification of the present application, in the prior art, a rolling oil that remains on a plate substrate causes poor adhesion of painting material when a corrosion resistant coating is formed on a plate substrate. Thus, conventionally, a degreasing process to remove oil that remains on the plate was necessary before applying a roughening treatment and paint on the plate substrate. However, Applicant discovered that Applicant obtains better adhesion of the paint material to the plate substrate when the paint material that contains alcohol-based solvent, as recited in independent claims 27 and 40, is used.

On the other hand, it is able to coat a water-repellent paint material on an aluminum plate without using a particular paint that contains a particular solvent in the Kamiya publication. According to this fact, Applicant respectfully asserts that it is quite likely that a rolling oil or any other oil do **not** remain on the aluminum plate that is used in the Kamiya publication. In fact, it is evidenced by the Sakurai publication (JP 10-185487) (EXHIBIT A) that *JIS 1100H26 alloy*, which is the aluminum plate that is used in the Kamiya publication, is a ***degreased*** aluminum plate substrate (see [0024] and [0029] of the Sakurai publication). Therefore, Applicant further respectfully asserts that the Kamiya publication does **not only** disclose or suggest but also ***teaches away*** from using ***a rolling oil is being used and remains on the plate substrate and forming a coating film on the plate substrate on which a rolling oil is used and remains on the plate substrate*** as recited in independent claims 27 and 40 of the present application. Thus, Applicant respectfully asserts that claims 27 and 40 are **not** obvious over the Kamiya publication and any other prior art references. Also, a person of ordinary skill in the art would have no reason to combine the Kamiya publication, the Mizutani patent, and the Lever patent to achieve the inventions now set forth in independent claims 27 and 40.

It is well settled in U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless an *apparent reason* exists based on evidence in the record or scientific reasoning for one of ordinary skill in the art to make the modification. See, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007). The KSR Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some "apparent reason to combine the known elements in the fashion claimed." Id. at 1741. The current record lacks any apparent reason, suggestion or expectation of success for combining the patents to create the Applicant's unique arrangement of the plate material and the manufacturing method thereof.

Moreover, Applicant believes that the dependent claims 28, 29, 31-39, 41, 42, and 44-52 are also allowable over the prior art of record in that they depend from independent claim 27 or 40, and therefore are allowable for the reasons stated above. Also, the dependent claims 28, 29, 31-39, 41, 42, and 44-52 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 27 and 40, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

Conclusion

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 27-29, 31-42, and 44-52 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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